

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,  
4 Plaintiff,  
5 v.  
6 PHILLIP D. HURBACE,  
7 Defendant.

2:17-CR-110-APG-DJA

**Substitution and Forfeiture Order**

8 This Court, having read and considered the United States of America's Motion to  
9 Substitute and to Forfeit Property of Phillip D. Hurbace, finds the government has met four  
10 of the conditions to substitute and to forfeit Phillip D. Hurbace's property.

11 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the following  
12 property is substituted and forfeited to the United States under Fed. R. Crim. P. 32.2(e) and  
13 21 U.S.C. § 853(p)(1)(A), (p)(1)(B), (p)(1)(C), (p)(1)(D) and (p)(2):

14 Real property located at 1055 Mountain Quail Road, Calpine, California 96124,  
15 more particularly described as:

16 PARCEL 3, AS SHOWN ON THE PARCEL MAP FOR W. ASTLE,  
17 FILED MAY 19, 1977, IN BOOK 5 OF MAPS AND SURVEYS, AT  
18 PAGE 46, SIERRA COUNTY RECORDS, TOGETHER WITH ALL  
IMPROVEMENTS AND APPURTENANCES THEREON;  
APN: 012-090-079-0

19 (all of which constitutes property).

20 This Court finds the United States of America is now entitled to, and should, reduce  
21 the aforementioned property to the possession of the United States of America.

22 This Court finds that on the government's motion, the Court may at any time enter  
23 an order of forfeiture or amend an existing order of forfeiture to include subsequently  
24 located property or substitute property under Fed. R. Crim. P. 32.2(e) and 32.2(b)(2)(C).

25 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND  
26 DECREED that the United States of America should seize the aforementioned property.

27 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory  
28 rights, ownership rights, and all rights, titles, and interests of Phillip D. Hurbace in the

1   aforementioned property are forfeited and are vested in the United States of America and  
2   shall be safely held by the United States of America until further order of the Court.

3           IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States  
4   of America shall publish for at least thirty (30) consecutive days on the official internet  
5   government forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall  
6   describe the forfeited property, state the times under the applicable statute when a petition  
7   contesting the forfeiture must be filed, and state the name and contact information for the  
8   government attorney to be served with the petition, under Fed. R. Crim. P. 32.2(b)(6).

9   Notice is served on any individual or entity on the date when it is placed in the mail,  
10   delivered to a commercial carrier, or sent by electronic mail under Fed. R. Crim. P.  
11   32.2(b)(6)(D) and Supplemental Rule G(4)(b)(iii)-(v).

12           IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual  
13   or entity who claims an interest in the forfeited property must file a petition for a hearing to  
14   adjudicate the validity of the petitioner's alleged interest in the property under 21 U.S.C.  
15   § 853(n)(2), which petition shall be signed by the petitioner under penalty of perjury under  
16   21 U.S.C. § 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the  
17   petitioner's right, title, or interest in the property, the time and circumstances of the  
18   petitioner's acquisition of the right, title or interest in the property, any additional facts  
19   supporting the petitioner's claim, and the relief sought.

20           IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,  
21   must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,  
22   Nevada 89101, within thirty (30) days of the final publication of notice on the official  
23   internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov), or his receipt of written notice,  
24   whichever is earlier.

25           IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the  
26   petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States  
27   Attorney's Office at the following address at the time of filing:

28   / / /

1 Daniel D. Hollingsworth  
2 Assistant United States Attorney  
3 Misty L. Dante  
4 Assistant United States Attorney  
5 501 Las Vegas Boulevard South, Suite 1100  
6 Las Vegas, Nevada 89101.

7 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send  
8 copies of this Order to all counsel of record and three certified copies to the United States  
9 Attorney's Office, Attention Asset Forfeiture Unit.

10 DATED December 7, 2023.

11   
12 ANDREW P. GORDON  
13 UNITED STATES DISTRICT JUDGE  
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